

APPROVED: Meeting No. 50-89

ATTEST:



MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 45-89

October 23, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on October 23, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Attorney Paul Glasgow and Administrative Assistant to the City Manager Cheryl Lampkin.

Re: City Manager's Report

1. The Oktoberfest held this past Saturday and Sunday was very successful with thousands of people in attendance. The weather cooperated and it was an enjoyable weekend.

2. The Rockville-Baltimore City-to-City Partnership was formalized today at a reception held in Baltimore. The Rockville representatives were well-received, and the City is looking forward to a meaningful partnership.

3. The Public Works Department will be making a presentation of a proposed program for recycling, targeted for the first meeting in December.

4. The annual meeting of the Rockville Sister City Corporation will be held tomorrow evening at the Civic Center Mansion and will include a presentation from individuals who recently visited Pinneberg.

5. The next small business visit will be at Dunkin Donuts on Thursday, October 26, at 5:30 p.m.

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Re: Presentation of certificates  
to exchange students from  
Pinneberg, West Germany

The Mayor and Council presented Certificates to the teachers and 19 students from Pinneberg who are participating in the October 16-November 7 Sister City Student Exchange trip.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Brigitta Mullican, 1947 Lewis Avenue, expressed her appreciation to the host families of the Pinneberg exchange students and also to the Rockville high school principals. She thanked Councilman Dave Robbins and City Manager Bruce Romer for their recent visit to Pinneberg.

2. Richard Arkin, 525 Lynch Street, commented on the use of the City car assigned to the Mayor and Council.

Following discussion, Councilmember Abrams agreed to draft procedures for the use of the vehicle assigned to the Mayor and Council. The City Manager was asked to review existing policies pertaining to the use of City vehicles.

3. John Evans, President of Cable TV Montgomery, discussed his views regarding the resolution on the evening's agenda which supports federal legislation to reestablish local regulation over cable television systems.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 43-89 (October 10, 1989) were approved, as written.

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Upon motion of Councilmember Coyle, duly seconded, with Mayor Duncan abstaining, the minutes of Meeting No. 44-89 (October 16, 1989) were approved, as written.

Re: Consent Agenda

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at Rt. 28, opposite Research Boulevard, in the Watts Branch drainage area and acceptance of a \$133,400 contribution for the off-site SWM fund.

The developer, EBH Enterprises, plans the construction of 38 townhouses.

- B. Award of Bid No. 57-90 for furnishing, delivering and planting trees and shrubs to Arbor Landscapers, Inc., Spencerville, Maryland, as low bidder in the amount of \$71,605. The project provides for the planting of 720 trees and shrubs and 50 perennial flowers on rights-of-way, City parks and grounds.

- E. Introduction of Ordinance to revise and amend Ordinance No. 17-89 appropriating funds and levying taxes for FY1990.

Each fall, the Appropriation Ordinance is amended to reflect encumbrances of funds from the prior fiscal year and funds for approved projects which could not be carried out due to circumstances beyond the control of the requesting department. The total increase in the ordinance is \$587,149.

- F. Adoption of Resolution establishing a permit parking district in the 5800 block of Ridgway Avenue.

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Resolution No. 30-89

This resolution establishes a standard 8:00 a.m. to 5:00 p.m. Monday through Friday permit parking zone on both sides of the 5800 block of Ridgway Avenue, with Leahy Avenue and Ardennes Avenue as boundaries.

- G. Adoption of Resolution establishing a permit parking district in the 100 block of South Adams Street.

Resolution No. 31-89

This resolution establishes a standard 8:00 am. to 5:00 p.m. Monday through Friday permit parking zone on both sides of the 100 block of South Adams Street, with Jefferson Street and Maryland Avenue as boundaries.

- H. Adoption of Resolution establishing a permit parking district in the 1000 block of Grandin Avenue.

Resolution No. 32-89

This resolution establishes a permit parking zone from 1001 to 1019 Grandin Avenue with extended hours of 8:00 a.m. to 8:00 p.m.

- I. Approval of Amendment to Agreement with Marie Garber, Elections Consultant.

This amendment increases the maximum payment under the Agreement dated February 21, 1989, from \$10,240 to \$20,000. In order to provide the necessary services pursuant to the Agreement, the Consultant is required to work additional hours beyond the original estimate.

- K. Introduction of Ordinance to adopt Sectional Map Amendment Application M-55-89, Rockville Planning Commission, Applicant.

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This is a comprehensive zoning map amendment to implement land use and zoning recommendations contained in the Adopted West End-Woodley Gardens East\West Neighborhood Plan.

- L. Introduction of Ordinance to adopt Text Amendment Application T-96-89, Rockville Planning Commission, Applicant.

This application proposes to amend the definitions, tables of uses and special exception requirements of the Zoning Ordinance to permit housing for the elderly and physically handicapped persons in the O-1 and O-2 zones.

Re: Award of Ritchie Parkway Bridge Contract, Bid No. 15-90, to low bidder, Hardaway Company, Odenton, Maryland, for \$2,890,728.15.

This bid covers the construction of the Ritchie Parkway Bridge over I-270 including short lengths of earth embankment approaches on both ends.

Councilmember Abrams noted that he had asked to have this item removed from the Consent Agenda in order to inquire as to the timing of completion of construction of the bridge. Staff advised that the bridge should be completed within 14-16 months with scheduled opening of the bridge and other improvements in a year and one-half. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Bid No. 15-90 was awarded to Hardaway Company, Odenton, Maryland, in the amount of \$2,890,728.15, for construction of the Ritchie Parkway bridge.

Re: Receipt of September financial reports.

The five reports summarize the financial results of City operations for the period from July 1 through September 30, 1989. Councilmember Robbins inquired of staff as to whether there had been comparisons made to previous years' revenues and

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expenditures and if projections had been made for FY90. Staff reported that because of the inconsistent timing of pass-through of funds from the State and County, it would be premature to make these comparisons and projections for the period ending September 30, 1989. However, staff indicated that both comparisons and projections of revenues would be forthcoming in future reports.

Re: Adoption of Resolution to adopt  
City Travel Policy.

Councilmember Abrams moved adoption of this resolution for discussion purposes. He requested that staff clearly set forth guidelines as to when first class travel would be appropriate. Mode of travel for business within 150 miles was also discussed, and it was agreed that "surface" transportation would replace "travel by automobile" in these instances. With respect to reimbursement for phone calls, it was agreed that if the Mayor or a member of the Council should be required to make phone calls in connection with their full-time positions while on official City business, the costs of such calls would not be borne by the City.

The City Manager was requested to incorporate these modifications into the policy and to schedule same for adoption at the meeting of October 30, 1989.

Re: Introduction of Ordinance to  
approve Application to Close  
and Abandon Public Way, SCA-  
57-89.

The applicant, George Thomassen, has withdrawn his request to close and abandon Congress Street. Woodmont Spring Condominium, Inc. has requested that the Mayor and Council proceed with the abandonment of a portion of Congress Street which abuts Woodmont Spring. Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Ordinance to approve Application to Close and Abandon a portion of Congress Street, SCA-57-89, was introduced.

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Re: Approval of Resolution in support of federal legislation to reestablish local regulation over cable television systems.

Resolution No. 33-89

The proposed resolution is a revised version of the National League of Cities model resolution in support of reregulation of cable television and increased competition. Councilmember Abrams proposed several amendments to the resolution:

In Paragraph Number 1, The City of Rockville (supports) urges Congress to review the restoration. . . .

In Paragraph number 2, The City of Rockville (supports) urges Congress to consider the issue of whether revisions . . . . . and prevent cross subsidization of cable services by telephone customers are appropriate.

Upon motion of Councilmember Abrams, duly seconded, with Mayor Duncan abstaining, Resolution No. 33-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted, as amended, to support federal legislation reestablishing local regulation over cable television systems.

Re: Approval of Agreement with the City of Baltimore for City-to-City program.

This agreement formalizes the relationship between Rockville and Baltimore for the purpose of promoting staff and community exchange projects. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the agreement establishing the city-to-city association between Rockville and Baltimore was adopted by the Mayor and Council.

Re: Adoption of Ordinance to amend Section 1-203 of Chapter 10 of the "Laws of Rockville" entitled "Property Maintenance Code" to provide for increased and uniform fines for violations of all sections of this Code.

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Ordinance No. 27-89

Municipal Infraction Citations would carry a fine of \$100 for initial violations and \$200 for subsequent violations of the Property Maintenance Code. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Ordinance No. 27-89, the full text of which can be found in Ordinance Book No. 15 of the Mayor and Council, was adopted to provide for increased and uniform fines for violations of all sections of the Property Maintenance Code.

Re: FYI/Correspondence

With respect to the Public Works service enhancements, Councilmember Coyle inquired as to whether there is a more equitable method in which to distribute the costs of refuse collection/recycling, such as selling bags to residents. The City Manager stated that the report presented to the Mayor and Council on December 4 will have responses to these issues.

Councilmember Hovsepian noted the importance of pursuing the additional sidewalk construction on Maryland Avenue at two locations.

Regarding the Rockville Youth Employment Program, Councilmember Hovsepian commended staff on this program and urged its continuance.

Councilmember Hovsepian noted approval of the staff's recommendation to enter into negotiations with the Montgomery Habitat for Humanity as a major participant in the Red Barn Project.

Councilmember Abrams commented on the spectacular exhibit at Rockville Arts Place where the most recent Town Center Roundtable meeting was held. He urged the Mayor and Council to discuss various proposals and options for Rockville Arts Place at the next meeting. Mayor Duncan stated that this discussion should be deferred to the next Mayor and Council and, in the interim, staff will prepare recommendations.



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Re: New Business

Councilmember Abrams urged the Recreation and Parks staff to be more conscious of the content of their forms, such as the one used for Goblin Night which had no place for a name on the form. Additionally, he noted that the response date for submission of this form was a date prior to the form being received.

Councilmember Coyle commented that he had been advised that inappropriate movies are being shown at Recreation-sponsored activities and classes and asked if the City has an advisory group to preview the films.

In connection with the Board of Education's plan to add a fourth administrative area, Mayor Duncan stated that the Advisory Commission on Public Education had asked that the Mayor and Council approve a letter to Dr. Harry Pitt, Superintendent of Schools, requesting that all four Rockville high schools remain in the same administrative area. The Mayor and Council noted their approval for the Commission to send such a letter.

Mayor Duncan stated that there has been a polling place change for District 12, from College Gardens Elementary School to the Rockville Senior Center. He requested that staff provide information as to how residents are being alerted to this change.

Re: Executive session to discuss  
land disposition matters

The Mayor and Council convened in Executive Session at 9:25 p.m. to discuss land disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:55 p.m., to convene again in General Session at 7:30 p.m. on October 30, 1989, or at the call of the Mayor.